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Motion DENIED. Absent a stipulation of dismissal, the conference will proceed today and trial will begin Monday. Given the explanation in this letter, the Court is perplexed why this case hasn't been dismissed yet. The Court will entertain a motion for shifting the costs of attendance at today's hearing if it is going forward only because someone was asleep at the wheel. The Clerk of Court is directed to terminate the motion at ECF No. 62.

SO ORDERED.



Arun Subramanian, U.S.D.J.

Date: April 26, 2024

April 25, 2024

VIA ECF

The Honorable Arun Subramanian, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *King Range, Jr. v. Spring Green LLC and Diesel U.S.A., Inc.*
Case No. 1:22-cv-10381-AS

Dear Judge Subramanian:

We represent Defendant Diesel U.S.A., Inc. in this case. We write to further update the Court on the status of the parties' settlement and concerning the Court's Order, received at 3:30 p.m. today, directing counsel for all parties to appear for an in-person status conference tomorrow at 3:00 p.m. and that if a stipulation of dismissal is filed prior to the conference, the parties do not need to appear.

The parties' settlement agreement was finalized. The settlement agreement was executed by an authorized officer of Diesel. The stipulation of dismissal was executed by our firm. We sent both of those executed documents to counsel for the other parties, by email at 12:46 p.m. today. At 3:29 p.m. today, Diesel's transmittal of its portion of the settlement payment was completed. We sent confirmation of that to counsel for the other parties, by email at 3:44 p.m. today.

We understand through numerous communications with counsel for the other parties throughout the day today that the other parties were executing the agreement today and were arranging for signature, which once received would be forwarded to counsel for the other parties. Despite numerous follow-up communications, at the time of this filing, we have not received confirmation that the other parties have executed the settlement agreement.

Under these circumstances, Diesel respectfully requests that it be dismissed from this case, as it has satisfied all of its obligations under the parties' settlement agreement warranting that dismissal. In the alternative, Diesel respectfully requests that it be excused from appearing for the status conference tomorrow. Should the Court, under the circumstances, elect to proceed with the status conference tomorrow, Diesel respectfully requests, in the further alternative, that the conference be converted to a telephone/video conference.

Hon. Arun Subramanian, U.S.D.J.
U.S. District Court, S.D.N.Y.
April 25, 2024
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First, it is respectfully submitted that under the circumstances, Diesel should not have to incur any further expense of time or other resources in this case. Second, the undersigned, who is lead counsel for Diesel in this case, has prior commitments tomorrow afternoon that would have to be modified, adjourned, or cancelled outright in order to appear in person for the status conference in this case. The undersigned is scheduled to participate in a pre-mediation conference with multiple parties before the Honorable Steven M. Gold (Ret.) in *Wilson v. MMC East, LLC et al.*, 2:21-cv-06074-JMA-JMW (EDNY); *Reveliotis v. MMC East, LLC et al.*, 2:23-cv-02924-NJC-AYS (EDNY) concerning an upcoming Court-referred mediation. The undersigned is also scheduled to participate in a meeting concerning another upcoming Court-referred mediation in another case, *Garner et al. v. Salz Group LLC et al.*, 1:23-cv-01677-EK-JRC (EDNY), pending before Mediator Barry Gold. The undersigned might also have to participate in a meeting concerning discovery responses that were the subject of a motion recently resolved by the parties in *Sultan v. Plume et al.*, 1:23-cv-08830-AS (SDNY).

We greatly appreciate the Court's attention to this matter.

Respectfully Submitted,

GORDON REES
SCULLY MANSUKHANI, LLP

/s/ David J. Grech
David J. Grech

To: All counsel of record (*via* ECF)